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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,959	12/18/2001	John William Artley		7183

7590 12/23/2005  
Steven L. Schmid  
1257 Donald Sts, Suite 2  
Jacksonville, FL 32205

EXAMINER

BOYD, JENNIFER A

ART UNIT PAPER NUMBER

1771

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/022,959

Applicant(s)

ARTLEY ET AL.

Examiner

Jennifer A. Boyd

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Applicant's Amendments and Accompanying Remarks, filed October 6, 2005, have been entered and have been carefully considered. Claim 1 is amended. In view of Applicant's amendment requiring that the surface temperature does not exceed 200 degrees F to form a treated fabric, the Examiner withdraws the rejection of claim 1 over Urben as detailed in paragraph 5 of the Office Action dated July 25, 2005. After another search was conducted, additional prior art has been found which renders in the invention as currently claimed unpatentable for reasons herein below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

3. Claim 1 remains rejected under 35 U.S.C. 102(e) as being anticipated by Offord et al. (US 6,617,268). The details of the rejection can be found in paragraph 3 of the Office Action mailed July 25, 2005. The rejection is maintained.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by the article entitled "Multipurpose woven cotton and cotton/polyester blends containing crosslinked polyols affixed by a low temperature cure".

The article teaches applying a solution of PEG, cross-linking agent and acid catalyst to a

Art Unit: 1771

woven fabric. The fabric was put through a squeeze roller to remove excess solution, dried/cured in one step from 80 – 110 degrees Celsius (176 – 230 degrees F) for 3 – 10 minutes and then washed in hot tap water containing 1 weight % of a commercially available phosphate detergent. The fabric was then tumble-dried (see page 3, Materials and Methods).

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by the article entitled “Improvement of various properties of fiber surfaces containing crosslinked polyethylene glycols”.

The article teaches a fabric/fibrous substrate immersed in aqueous PEG solutions containing the resin and acid catalysts. The fabrics were dried for 5 – 7 minutes at 70 – 85 degrees C, cured 2 minutes at 100 – 150 degrees C (212 – 302 degrees F), washed in hot tap water containing 1% by weight of commercially available phosphate-based detergent, rinsed in additional tap water and then tumble dried (see Experimental, page 372).

### ***Response to Arguments***

6. Applicant's arguments filed October 6, 2005 have been fully considered but they are not persuasive.

Applicant has submitted a 37 CFR 1.131 Declaration to provide evidence that the claimed invention was conceived prior to the effective filing date of US 6,617,268. The Declaration has not been found persuasive because the Exhibits do not specify the use of polyethylene glycol as required by Applicant's claim 1. The Exhibits only mention the use of polyols, which is a generic class of materials.

Art Unit: 1771

Applicant's amendment to claim 1 overcomes the rejection over Urban as detailed in the previous Office Action.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

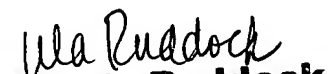
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jennifer Boyd  
December 13, 2005

  
**Cia C. Ruddock**  
Primary Examiner  
Tech Center 1700